

**Introduced by Senator Block**

February 21, 2013

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An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 527, as introduced, Block. Workers' compensation: public employees: leaves of absence.

Existing law provides that certain peace officers, firefighters, and other specified state and local public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment. The leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

This bill would extend this leave of absence entitlement to lifeguards employed year round on a regular, full-time basis by the City of San Diego.

This bill would make legislative findings and declarations as to the necessity of a special statute for these employees of the City of San Diego.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4850 of the Labor Code is amended to
- 2 read:
- 3 4850. (a) Whenever any person listed in subdivision (b), who
- 4 is employed on a regular, full-time basis, and is disabled, whether

1 temporarily or permanently, by injury or illness arising out of and  
2 in the course of his or her duties, he or she shall become entitled,  
3 regardless of his or her period of service with the city, county, or  
4 district, to a leave of absence while so disabled without loss of  
5 salary in lieu of temporary disability payments or maintenance  
6 allowance ~~payments under Section 139.5~~, *payments*, if any, that  
7 would be payable under this chapter, for the period of the disability,  
8 but not exceeding one year, or until that earlier date as he or she  
9 is retired on permanent disability pension, and is actually receiving  
10 disability pension payments, or advanced disability pension  
11 payments pursuant to Section 4850.3.

12 (b) The persons eligible under subdivision (a) include all of the  
13 following:

- 14 (1) City police officers.
- 15 (2) City, county, or district firefighters.
- 16 (3) Sheriffs.
- 17 (4) Officers or employees of any sheriff's offices.
- 18 (5) Inspectors, investigators, detectives, or personnel with  
19 comparable titles in any district attorney's office.
- 20 (6) County probation officers, group counselors, or juvenile  
21 services officers.
- 22 (7) Officers or employees of a probation office.
- 23 (8) Peace officers under Section 830.31 of the Penal Code  
24 employed on a regular, full-time basis by a county of the first class.
- 25 (9) Lifeguards employed year round on a regular, full-time basis  
26 by a county of the first ~~class~~: *class or by the City of San Diego*.
- 27 (10) Airport law enforcement officers under subdivision (d) of  
28 Section 830.33 of the Penal Code.
- 29 (11) Harbor or port police officers, wardens, or special officers  
30 of a harbor or port district or city or county harbor department  
31 under subdivision (a) of Section 830.1 or subdivision (b) of Section  
32 830.33 of the Penal Code.

33 (12) Police officers of the Los Angeles Unified School District.

34 (c) This section shall apply only to persons listed in subdivision  
35 (b) who meet the requirements of subdivision (a), and shall not  
36 include any of the following:

- 37 (1) Employees of a police department whose principal duties  
38 are those of a telephone operator, clerk, stenographer, machinist,  
39 mechanic, or otherwise, and whose functions do not clearly fall  
40 within the scope of active law enforcement service.

1 (2) Employees of a county sheriff's office whose principal duties  
2 are those of a telephone operator, clerk, stenographer, machinist,  
3 mechanic, or otherwise, and whose functions do not clearly come  
4 within the scope of active law enforcement service.

5 (3) Employees of a county probation office whose principal  
6 duties are those of a telephone operator, clerk, stenographer,  
7 machinist, mechanic, or otherwise, and whose functions do not  
8 clearly come within the scope of active law enforcement service.

9 (4) Employees of a city fire department, county fire department,  
10 or fire district whose principal duties are those of a telephone  
11 operator, clerk, stenographer, machinist, mechanic, or otherwise,  
12 and whose functions do not clearly fall within the scope of active  
13 firefighting and prevention service.

14 (d) If the employer is insured, the payments that, except for this  
15 section, the insurer would be obligated to make as disability  
16 indemnity to the injured, the insurer may pay to the insured.

17 (e) No leave of absence taken pursuant to this section by a peace  
18 officer, as defined by Chapter 4.5 (commencing with Section 830)  
19 of Title 3 of Part 2 of the Penal Code, or by a city, county, or  
20 district firefighter, shall be deemed to constitute family care and  
21 medical leave, as defined in Section 12945.2 of the Government  
22 Code, or to reduce the time authorized for family care and medical  
23 leave by Section 12945.2 of the Government Code.

24 (f) This section shall not apply to any persons described in  
25 paragraph (1) or (2) of subdivision (b) who are employees of the  
26 City and County of San Francisco.

27 (g) Amendments to subdivision (f) made by the act adding this  
28 subdivision shall be applied retroactively to January 1, 2010.

29 SEC. 2. The Legislature finds and declares that a special law  
30 is necessary and that a general law cannot be made applicable  
31 within the meaning of Section 16 of Article IV of the California  
32 Constitution because the work of lifeguards employed year round  
33 on a regular, full-time basis by the City of San Diego requires the  
34 disability benefits of Section 4850 of the Labor Code.